

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK O. FRANKLIN, SR.,

Plaintiff,

vs.

MTA ORTIZ, et al.,

Defendants.

1:05-CV-00525-OWW-LJO-P

SECOND ORDER TO SUBMIT NEW  
APPLICATION TO PROCEED IN FORMA  
PAUPERIS AND CERTIFIED COPY OF  
TRUST ACCOUNT STATEMENT **OR** PAY  
FILING FEE

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On May 3, 2005, the court ordered plaintiff to submit a new application to proceed in forma pauperis and a certified copy of his prison trust account statement pursuant to 28 U.S.C. § 1915. Plaintiff submitted two applications on May 5, 2005, and May 13, 2005, along with copies of his prison trust account statement. However, both of the applications were deficient. The prison official did not supply the amounts of the "average monthly balance" and "average monthly deposits" for the last six months in plaintiff's account. Additionally, the copies of plaintiff's prison trust account statement were not certified and did not include the entire six month period immediately preceding the filing of the complaint.

Plaintiff is advised that it is his responsibility to follow procedures at the prison to assure that the court receives the required documents or the \$250.00 filing fee. Plaintiff should show this order to

1 a prison official and request assistance. An official from the prison trust account office must sign the  
2 application and provide a certified copy of plaintiff's trust account statement.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The Clerk's Office shall send to plaintiff the form for application to proceed in forma  
5 pauperis; and

6 2. Within thirty days of the date of service of this order, plaintiff shall submit a  
7 completed application to proceed in forma pauperis and a certified copy of his prison trust account  
8 statement for the six month period immediately preceding the filing of the complaint, or in the  
9 alternative, pay the \$250.00 filing fee for this action. Failure to comply with this order will result in a  
10 recommendation that this action be dismissed.

11 IT IS SO ORDERED.

12 **Dated: June 10, 2005**  
b6edp0

**/s/ Lawrence J. O'Neill**  
UNITED STATES MAGISTRATE JUDGE